

MONDAY, MARCH 16, 1992

SEVENTY-FIRST LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Rev. Jerry Jenkins, St. John Missionary Church, Clarksville, Tennessee.

Representative Knight led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

PRESENT IN CHAMBER

Representative(s) Kernell was/were recorded as being present in the Chamber.

**ENROLLED BILLS
March 12, 1992**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 2370, 2419, 2442, 2459, 2486, 2555, 2556, 2648, 2736, 2738 and 2777; also, House Joint Resolution(s) No(s). 541, 544, 546, 549, 550, 551, 553 and 554; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MONDAY, MARCH 16, 1992 -- SEVENTY-FIRST LEGISLATIVE DAY

SIGNED
March 12, 1992

The Speaker announced that he had signed the following: House Bill(s) No(s). 2370, 2419, 2442, 2459, 2486, 2555, 2556, 2648, 2736, 2738 and 2777; also, House Joint Resolution(s) No(s). 541, 544, 546, 549, 550, 551, 553 and 554.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR
March 12, 1992

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 400, 1047, 1679, 2285, 2313, 2359 and 2362; also, House Joint Resolution(s) No(s). 496, 497, 502, 504, 505, 507, 508, 509, 510, 511, 526, 527, 528, 530, 534, 535, 536, 537, 539, 545 and 555; with his approval.

DAVID H. WELLES,
Counsel to the Governor.

MESSAGE FROM THE SENATE
March 16, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2792, 2801 and 2804; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Bill No. 2792 -- Roane County -- Enacts hotel/motel tax. by *O'Brien.

Senate Bill No. 2801 -- Roane County -- Establishes representative districts for board of education. Amends Chapter 20, Private Acts of 1955, as amended. by *O'Brien.

Senate Bill No. 2804 -- Coffee County -- Revises provisions relative to medical center. Amends Chapter 31, Private Acts of 1973, as amended. by *Cooper.

CONSENT CALENDAR

House Resolution No. 0164 -- Memorials, Heroism -- Company G, 511th Parachute Infantry, Heroic Service during World War II.

House Resolution No. 0165 -- Memorials, Public Service -- Chaplain Bill Overway.

MONDAY, MARCH 16, 1992 -- SEVENTY-FIRST LEGISLATIVE DAY

House Joint Resolution No. 0556 -- Memorials, Heroism -- Staff Sgt. Louis S. "Steve" Brady, Bronze Star.

House Joint Resolution No. 0557 -- Memorials, Public Service -- Dr. Gary Stephen Nace.

House Joint Resolution No. 0559 -- Memorials, Heroism -- First Sgt. Charles F. Seiberling, Bronze Star.

House Joint Resolution No. 0560 -- Memorials, Sports -- Ike Peel, Jr., Tennessee Sports Hall of Fame.

House Bill No. 2443 -- Lawrence County -- Revises districts for school board members. Repeals Chapter 344, Private Acts of 1972, as amended.

House Bill No. 2783 -- Jackson -- Defines mission of hospital district to provide health care services on fee for service basis, with regard for indigent; substitutes city council for commissioners. Amends Chapter 686, Private Acts of 1949, as amended.

On motion, House Bill No. 2783 was made to conform with Senate Bill No. 2790.

On motion, **Senate Bill No. 2790**, on same subject, was substituted for House Bill No. 2783.

Senate Joint Resolution No. 0375 -- Memorials, Sports -- Trenton Peabody High School football team.

Senate Joint Resolution No. 0377 -- Memorials, Personal Achievement -- Julie Melissa Robinson, Valedictorian.

House Bill No. 1848 -- Sunset Laws -- School board authority, June 30, 2000. Amends TCA, Title 4, Ch. 29; Title 49, Ch. 3.

On motion, House Bill No. 1848 was made to conform with Senate Bill No. 1847.

On motion, **Senate Bill No. 1847**, on same subject, was substituted for House Bill No. 1848.

House Bill No. 1834 -- Sunset Laws -- Board of law examiners, June 30, 2001. Amends TCA, Title 4, Chs. 19, 29; Title 23; Title 49, Ch. 7, Pt. 20.

On motion, House Bill No. 1834 was made to conform with Senate Bill No. 1861.

On motion, **Senate Bill No. 1861**, on same subject, was substituted for House Bill No. 1834.

House Bill No. 1846 -- Sunset Laws -- Board of examiners for mines, June 30, 2001. Amends TCA, Title 4, Ch. 29; Title 59, Ch. 4.

MONDAY, MARCH 16, 1992 -- SEVENTY-FIRST LEGISLATIVE DAY

On motion, House Bill No. 1846 was made to conform with Senate Bill No. 1849.

On motion, **Senate Bill No. 1849**, on same subject, was substituted for House Bill No. 1846.

House Bill No. 1844 -- Sunset Laws -- Occupational safety and health review commission, June 30, 2001. Amends TCA, Title 4, Ch. 29; Title 50, Ch. 3.

On motion, House Bill No. 1844 was made to conform with Senate Bill No. 1851.

On motion, **Senate Bill No. 1851**, on same subject, was substituted for House Bill No. 1844.

House Bill No. 1847 -- Sunset Laws -- Prevailing wage commission, June 30, 2001.

On motion, House Bill No. 1847 was made to conform with Senate Bill No. 1848.

On motion, **Senate Bill No. 1848**, on same subject, was substituted for House Bill No. 1847.

House Bill No. 1845 -- Sunset Laws -- Tennessee aeronautics commission, June 30, 2001. Amends TCA, Title 4, Ch. 29; Title 42, Ch. 2.

On motion, House Bill No. 1845 was made to conform with Senate Bill No. 1850.

On motion, **Senate Bill No. 1850**, on same subject, was substituted for House Bill No. 1845.

House Bill No. 1831 -- Sunset Laws -- Tennessee arts commission, June 30, 2001. Amends TCA, Title 4, Chs. 12, 20, 29; Title 55, Ch. 4.

On motion, House Bill No. 1831 was made to conform with Senate Bill No. 1864.

On motion, **Senate Bill No. 1864**, on same subject, was substituted for House Bill No. 1831.

House Bill No. 1794 -- Sunset Laws -- Commission on Indian affairs, June 30, 2001. Amends TCA, Title 4, Chs. 29, 34.

On motion, House Bill No. 1794 was made to conform with Senate Bill No. 1865.

On motion, **Senate Bill No. 1865**, on same subject, was substituted for House Bill No. 1794.

MONDAY, MARCH 16, 1992 -- SEVENTY-FIRST LEGISLATIVE DAY

House Bill No. 1805 -- Sunset Laws -- Terminates forms reduction and management appeals board. Amends TCA, Title 4, Chs. 25, 29.

On motion, House Bill No. 1805 was made to conform with Senate Bill No. 1875.

On motion, **Senate Bill No. 1875**, on same subject, was substituted for House Bill No. 1805.

House Bill No. 1841 -- Sunset Laws -- Real estate appraiser commission, June 30, 1999. Amends TCA, Title 4, Ch. 29; Title 62, Ch. 39.

House Bill No. 2159 -- Interior Designers -- Extends time for interior designer members of architect and engineer board to meet registration requirement. Amends TCA 62-2-201, 202.

On motion, House Bill No. 2159 was made to conform with Senate Bill No. 1964.

On motion, **Senate Bill No. 1964**, on same subject, was substituted for House Bill No. 2159.

House Bill No. 1736 -- Highway Signs -- J.E. "Buck" Karnes Bridge in Knoxville.

On motion, House Bill No. 1736 was made to conform with Senate Bill No. 1674.

On motion, **Senate Bill No. 1674**, on same subject, was substituted for House Bill No. 1736.

House Joint Resolution No. 0456 -- Naming and Designating -- Senior Citizens Dental Health Month, May 1992.

House Joint Resolution No. 0457 -- Naming and Designating -- Children's Dental Health Month, February 1992.

House Joint Resolution No. 0561 -- Memorials, Public Service -- College Hill Museums, Recipient of ECHO Award.

House Bill No. 2780 -- Lake County -- Revises school districts. Amends Chapter 270, Private Acts of 1967, as amended.

House Bill No. 2781 -- Lake County -- Requires permit issued by assessor of property for building or improvement costing \$1,000 or more.

House Bill No. 2782 -- Lewis County -- Divides school districts to be coextensive with county commissioner districts. Repeals Chapter 268, Private Acts of 1933, as amended.

House Bill No. 2784 -- Montgomery County -- Increases annual salaries of associate members of county board of highway

MONDAY, MARCH 16, 1992 -- SEVENTY-FIRST LEGISLATIVE DAY

commissioners from \$500 to \$1,200. Amends Chapter 312, Private Acts of 1923, as amended.

House Bill No. 2786 -- Roane County -- Enacts hotel/motel tax.

On motion, House Bill No. 2786 was made to conform with Senate Bill No. 2792.

On motion, **Senate Bill No. 2792** was substituted for House Bill No. 2786 on same subject.

House Bill No. 2790 -- Henderson County -- Revises accounting procedure to permit that portion of funds generated by hotel/motel tax used for operation of fire department to be retained in such fund and not revert to general fund. Amends Chapter 98, Private Acts of 1983, as amended.

House Bill No. 2791 -- Haywood County -- Provides for election of highway commissioners by staggering terms; gives county legislative body authority to determine boundaries of highway districts. Amends Chapter 24, Private Acts of 1991.

House Bill No. 2792 -- Pulaski -- Makes fire chief elected by board of mayor and aldermen every two years for two year term, instead of appointed by board to serve at pleasure of board. Amends Chapter 711, Private Acts of 1949, as amended.

House Bill No. 2793 -- Giles County -- Requires referendum on any proposed zoning ordinance.

House Bill No. 2317 -- Credit Unions -- Requires, upon adoption, submission of duplicate copies of bylaw amendments to commissioner of financial institutions; requires commissioner's written approval before amendment effective. Amends TCA 45-4-102.

***House Bill No. 1865** -- Highways, Roads and Bridges -- Designates U.S. 27/S.R. 29 in Rhea County as scenic highway. Amends TCA, Title 54, Ch. 17, Pt. 1.

On motion, House Bill No. 1865 was made to conform with Senate Bill No. 2009.

On motion, **Senate Bill No. 2009** was substituted for House Bill No. 1865 on same subject.

House Bill No. 2106 -- Salaries and Benefits -- Changes classification of counties under provision establishing minimum salaries to retain Trousdale County in the same class, notwithstanding decrease in population in 1990 census. Amends TCA 8-24-104.

On motion, House Bill No. 2106 was made to conform with Senate Bill No. 2371.

MONDAY, MARCH 16, 1992 -- SEVENTY-FIRST LEGISLATIVE DAY

On motion, **Senate Bill No. 2371** was substituted for House Bill No. 2106 on same subject.

***House Bill No. 1976** -- Memorials, Government Officials -- Directs adjutant general and commissioner of veterans affairs to arrange for addition of name of late SP/4 Oswald Clayton South, Jr. to Vietnam Veterans Memorial in Nashville.

House Resolution No. 0167 -- Memorials, Personal Achievement -- Michael Bradley Love, Eagle Scout.

House Joint Resolution No. 0562 -- Memorials, Sports -- William A. Pearman, Tennessee Sports Hall of Fame.

House Joint Resolution No. 0563 -- Memorials, Personal Achievement -- 1992 Beautillion Militaire inductees and Shelby County Chapter of Links, Inc.

***House Bill No. 2778** -- Franklin -- Authorizes Franklin special school district to issue \$14,900,000 in school bonds and to levy tax for payment of such.

House Bill No. 2796 -- Roane County -- Establishes representative districts for board of education. Amends Chapter 20, Private Acts of 1955, as amended.

On motion, House Bill No. 2796 was made to conform with Senate Bill No. 2801.

On motion, **Senate Bill No. 2801** was substituted for House Bill No. 2796 on same subject.

House Bill No. 2797 -- Carter County -- Increases from \$14.00 to \$17.50 per day compensation for attending meetings of planning commission. Amends Chapter 360, Private Acts 1972, as amended.

House Bill No. 2798 -- Gordonsville -- Enacts hotel/motel tax.

House Bill No. 2799 -- Coffee County -- Revises provisions relative to medical center. Amends Chapter 31, Private Acts of 1973, as amended.

On motion, House Bill No. 2799 was made to conform with Senate Bill No. 2804.

On motion, **Senate Bill No. 2804** was substituted for House Bill No. 2799 on same subject.

House Bill No. 2800 -- Coffee County -- Revises provisions relative to board of education. Amends Chapter 7, Private Acts of 1971, as amended.

Senate Joint Resolution No. 0379 -- Memorials, Interns -- Madeline Jane Boyle.

MONDAY, MARCH 16, 1992 -- SEVENTY-FIRST LEGISLATIVE DAY

Senate Joint Resolution No. 0381 -- Memorials, Personal Achievement -- Tina Maria Rohs, Valedictorian.

Senate Joint Resolution No. 0382 -- Memorials, Personal Achievement -- Jameson Robert Abart, Eagle Scout.

Senate Joint Resolution No. 0383 -- Memorials, Personal Achievement -- William Jason Helms, Eagle Scout.

Senate Joint Resolution No. 0385 -- Memorials, Sports -- Nera White, National Basketball Hall of Fame.

Senate Joint Resolution No. 0386 -- General Assembly, Proclamations -- Centennial year of Cordell Hull's first election.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	92
Noes.	0
Present and not voting.	4

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

Representatives present and not voting were: Hargrove, Love, Rigsby, Whitson -- 4.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 1974 -- Courts, Supreme Court of Tennessee -- Authorizes supreme court to establish, by court rule, qualifications of executive secretary and fix salary, provided such salary does not exceed that paid court of appeals judge. Amends TCA, Title 16, Ch. 3, Pt. 8.

MONDAY, MARCH 16, 1992 -- SEVENTY-FIRST LEGISLATIVE DAY

Rep. Purcell moved that **House Bill No. 1974** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1982 -- Taxes, Privilege -- Exempts court reporters from privilege taxes. Amends TCA, Title 67, Ch. 4, Pt. 7.

Rep. Clark moved that **House Bill No. 1982** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	84
Noes.	9
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holt, Hubbard, Huskey, Jackson, Johnson, Jones U (Shelby), Kent, Kernell, Kisber, Knight, Liles, Love, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Mr. Speaker Naifeh -- 84.

Representatives voting no were: Armstrong, Holcomb, Joyce, McAfee, Niceley, Shirley, Stamps, West, Wood -- 9.

MONDAY, MARCH 16, 1992 -- SEVENTY-FIRST LEGISLATIVE DAY

Representatives present and not voting were: Sipes -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from no to aye on House Bill No. 1982 and have this statement entered in the Journal.

Rep. Ben West

REGULAR CALENDAR, CONTINUED

***House Bill No. 1955** -- Transportation, Dept. of -- Establishes criteria for selecting truck weight and inspection sites. Amends TCA, Title 55, Ch. 7; Title 65, Ch. 15.

Rep. Holcomb moved that House Bill No. 1955 be passed on third and final consideration.

Rep. Robinson (Davidson) moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1955 by deleting in the amendatory language of Section 1 the following item:

(9) Commuting distance for employees to services and residential areas.

On motion, Amendment No. 1 was adopted.

Rep. Holcomb moved to amend as follows:

Amendment No. 2

AMEND House Bill No. 1955 by adding the following as a new Section 2 and by renumbering the existing Section 2 of the printed bill accordingly:

SECTION 2. The provisions of this act shall be retroactive to the extent necessary to apply to any site at which commencement of construction has not actually begun.

Rep. Holcomb moved that House Bill No. 1955, as amended, be reset to the Calendar for Thursday, March 19, 1992, which motion prevailed.

MONDAY, MARCH 16, 1992 -- SEVENTY-FIRST LEGISLATIVE DAY

House Bill No. 1422 -- Driver Licenses -- Suspends driver licenses for convictions involving controlled substances. Amends TCA, Title 55, Ch. 10.

Rep. Joyce moved that House Bill No. 1422 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1422 by deleting from the first sentence of Section 2 the language "twenty-four (24) hours", and by substituting instead the language "five (5) working days".

AND FURTHER AMEND by inserting in the first sentence of Section 2 the language "younger than twenty-one (21) years of age but eighteen (18) years of age or older" between the words "any person" and the words "is convicted".

AND FURTHER AMEND by inserting in the first sentence of Section 3 the language "younger than twenty-one (21) years of age but eighteen (18) years of age or older" between the words "any person" and the words "upon receipt".

AND FURTHER AMEND by deleting Section 10 in its entirety, and by renumbering subsequent sections accordingly.

AND FURTHER AMEND by deleting from Section 4 the words, figures and punctuation, "twenty dollars (\$20.00)" and by substituting instead the words, figures, and punctuation "sixty-five dollars (\$65.00)".

AND FURTHER AMEND by deleting from the fourth sentence of subdivision (a)(3) of Section 6 the words, figures and punctuation "twenty dollars (\$20.00)", and by substituting instead the words, figures and punctuation "sixty-five dollars (\$65.00)".

AND FURTHER AMEND by deleting from Section 7 the words, figures and punctuation "twenty dollars (\$20.00)", and by substituting instead the words, figures and punctuation "sixty-five dollars (\$65.00)".

AND FURTHER AMEND by deleting from the first sentence of Section 4 the words and punctuation "is the proper age,".

AND FURTHER AMEND by deleting from the fourth sentence of subdivision (a)(3) of Section 6 the words "first reach proper age and".

AND FURTHER AMEND by adding the following language at the end of subsection (a) of Section 3:

MONDAY, MARCH 16, 1992 -- SEVENTY-FIRST LEGISLATIVE DAY

The suspension periods imposed pursuant to this subsection shall apply for all convictions, including second and subsequent convictions. If a second or subsequent conviction occurs prior to the ending of the suspension for a previous offense, the suspension period for a second or subsequent conviction shall begin on the day the suspension for the previous offense ends.

AND FURTHER AMEND by deleting in its entirety subdivision (a)(2) of Section 6, and by substituting instead the following language:

(2)

(A) If an order of denial has been issued pursuant to Section 2 of this act and it is the second or subsequent order of denial so issued by any court for the offender; and

(B) If the order of denial for a second or subsequent offense is issued at least one (1) year from the date of entry of the previous order of denial; then

Upon motion of the offender, the court is vested with the authority and discretion to issue an order for a restricted motor vehicle operator's license subject to the conditions and requirements of subdivision (a)(3) of this section.

AND FURTHER AMEND by inserting the following language between the third and fourth sentences of subdivision (a)(3) of Section 6:

The order shall state the period of time the restricted license shall be effective which may, in the court's discretion, coincide with the time period the driving privileges of the person are suspended as provided in Section 3(a).

Rep. Buck moved to amend as follows:

Amendment No. 1 to Amendment No. 1

AMEND House Bill No. 1422 by deleting from the amendatory language of Section 1 the number "9" and substituting instead the number "10".

FURTHER AMEND by adding the following new section 10 and by renumbering subsequent sections accordingly:

SECTION 10. If a person's driving privileges have been denied pursuant to this part, when such person becomes eighteen (18) years of age all records relating to such

MONDAY, MARCH 16, 1992 -- SEVENTY-FIRST LEGISLATIVE DAY

denial maintained by the court in which the conviction or adjudication occurred and by the department of safety shall be expunged and the driving record maintained by the department of safety on such person shall not reflect that such a denial of driving privileges occurred.

Rep. Clark moved to table Amendment No. 1 to Amendment No. 1, which motion he then withdrew.

Rep. Joyce moved that House Bill No. 1422, as amended, be reset to the Calendar for Thursday, March 18, 1992, which motion prevailed.

House Bill No. 1735 -- Taxes, Real Property. -- Authorizes county trustee in Knox County to permit retired persons over 65 to pay real estate taxes in quarterly payments; authorizes county trustee to prescribe terms and conditions of payments. Amends TCA 67-5-1807.

On motion, House Bill No. 1735 was made to conform with Senate Bill No. 1675.

On motion, **Senate Bill No. 1675**, on same subject, was substituted for House Bill No. 1735.

Rep. Hill moved that **Senate Bill No. 1675** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	93
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Givens -- 1.

A motion to reconsider was tabled.

MONDAY, MARCH 16, 1992 -- SEVENTY-FIRST LEGISLATIVE DAY

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from present not voting to aye on Senate Bill No. 1675 and have this statement entered in the Journal.

Rep. Alvin King

REGULAR CALENDAR, CONTINUED

***House Bill No. 1676** -- Pest Control -- Prohibits local governments from regulating pesticide sale or use. Amends TCA, Title 43, Ch. 8; Title 62, Ch. 21.

On motion, House Bill No. 1676 was made to conform with Senate Bill No. 1688.

On motion, **Senate Bill No. 1688**, on same subject, was substituted for House Bill No. 1676.

Rep. Napier moved that **Senate Bill No. 1688** be passed on third and final consideration.

On motion, Rep. Davis (Gibson) withdrew Agriculture Committee Amendment No. 1.

Rep. Napier moved to amend as follows:

Amendment No. 2

AMEND Senate Bill No. 1688 by deleting all language following the enacting clause in its entirety and by substituting instead the following new language:

Section 1. The general assembly of the state of Tennessee hereby determines that the citizens of this state benefit from a system of safe, effective and scientifically sound pesticide regulation. The general assembly of the state of Tennessee further finds that a system of pesticide regulation which is consistent, coordinated and comports with both federal and state technical expertise is essential to the public health, safety and welfare, and that local regulation of pesticides does not materially assist in achieving these benefits.

Section 2. Tennessee Code Annotated, Title 43, Chapter 8, is amended by adding the following as a new, appropriately designated section:

Section _____. No city, town, county or other political subdivision of this state shall adopt or continue in effect any ordinance, rule, regulation or statute regarding pesticide sale or use, including without limitation: registration, notification of

MONDAY, MARCH 16, 1992 -- SEVENTY-FIRST LEGISLATIVE DAY

use, advertising and marketing, distribution, applicator training and certification, storage, transportation, disposal, disclosure of confidential information or product composition.

No provision of this section shall be construed to limit the authority of a city, town or county to zone for storage of such products or to provide or designate sites for disposal of such products, to regulate discharge to sanitary sewer system or to implement an approved pesticide management plan as may be required to the Safe Drinking Water Act.

Section 3. Tennessee Code Annotated, Title 62, Chapter 21, is amended by adding the following as a new, appropriately designated section:

Section. No city, town, county or other political subdivision of this state shall adopt or continue in effect any ordinance, rule, regulation or statute regarding pesticide sale or use, including without limitation: registration, notification of use, advertising and marketing, distribution, applicator training and certification, storage, transportation, disposal, disclosure of confidential information or product composition.

No provision of this section shall be construed to limit the authority of a city, town or county to zone for storage of such products or to provide or designate sites for disposal of such products, to regulate discharge to sanitary sewer system or to implement an approved pesticide management plan as may be required to the Safe Drinking Water Act.

Section 4. Tennessee Code Annotated, Section 62-21-118, is amended by adding the following new, appropriately designated subsection:

() The commissioner of agriculture shall enter into an agreement with any city government representing a population greater than one hundred thousand (100,000) upon its request for the purpose of implementing the enforcement provisions of this chapter, its equivalent or any part thereof in its respective areas of jurisdiction if the following conditions are met:

(1)The local government program standards are not less stringent than those of state law and regulations;

(2)The local government will adequately implement and enforce the program in the local jurisdiction; and

MONDAY, MARCH 16, 1992 -- SEVENTY-FIRST LEGISLATIVE DAY

(3) Upon execution of the agreement the local government will be the sole entity responsible for implementation and enforcement of the local government program standards adopted.

The commissioner shall retain the right to exercise oversight and evaluation of performance of local government and may terminate the agreement if, after an administrative hearing pursuant to the provisions of the Uniform Administrative Procedures Act, it is found the local program does not meet the state standards.

Cities covered under this section shall have the authority through their local legislative bodies to enact fees to provide for the administrative, regulatory and enforcement costs of the program.

Section 5. The provisions of this act shall not apply to any municipality having a population of not less than 16,500 nor more than 17,500 according to the 1990 federal census or any subsequent federal census.

Section 6. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Napier moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Rigsby moved to amend as follows:

Amendment No. 4

AMEND Senate Bill No. 1688 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Notwithstanding any provision of this act to the contrary, any city, town, county, or other political subdivision may implement a pesticide regulatory program that does not exceed the requirements of the state and federal pesticide laws and regulations.

This section shall cease to be effective twelve (12) months after the effective date of this act.

Rep. Rigsby requested that Amendment No. 4 be moved to the heel of the Amendments.

Rep. Napier moved to amend as follows:

Amendment No. 5

AMEND Senate Bill No. 1688 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 5 was adopted.

Rep. Bragg moved to amend as follows:

Amendment No. 6

AMEND Senate Bill No. 1688 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any municipality having a population of not less than 44,900 nor more than 44,950 according to the 1990 federal census or any subsequent federal census.

Rep. Napier moved that Amendment No. 6 be tabled, which motion failed by the following vote:

Ayes.	22
Noes.	63
Present and not voting.	6

Representatives voting aye were: Bell, Collier, Davis (Gibson), DeBerry, Duer, Givens, Gunnels, Haley, Harrill, Holt, Johnson, McKee, Napier, Niceley, Phillips, Pinion, Rigsby, Rinks, Robinson (Washington), Shirley, Williams (Shelby), Winningham -- 22.

Representatives voting no were: Allen, Anderson, Armstrong, Arriola, Bittle, Bivens, Bragg, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Copeland, Crain, Cross, Curlee, Davidson, Davis (Knox), Dixon, Ferguson, Fowlkes, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Holcomb, Hubbard, Jackson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, Moore, Odom, Peroulas Draper, Pruitt, Purcell, Ridgeway, Robinson (Hamilton), Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, West, Williams (Union), Windle, Wix, Wood -- 63.

Representatives present and not voting were: Buck, Hillis, Rhinehart, Severance, Whitson, Mr. Speaker Naifeh -- 6.

MONDAY, MARCH 16, 1992 -- SEVENTY-FIRST LEGISLATIVE DAY

Thereupon, Rep. Bragg renewed the motion to adopt Amendment No. 6.

Rep. Napier moved that Senate Bill No. 1688 be reset one week by special order to the Calendar for Wednesday, March 25, 1992, which motion prevailed.

**MESSAGE FROM THE SENATE
March 16, 1992**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2133; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Bill No. 2133 -- Credit Unions --** Requires board of directors to audit income and liabilities at least annually, instead of at close of fiscal year. Amends TCA 45-4-202. by *Patten, *McNally.

REGULAR CALENDAR, CONTINUED

House Bill No. 2198 -- Retail Installment Sales -- Authorizes delinquency charge not to exceed \$5.00 on credit cards (retail charge agreements); provides charge can be collected only once for same default. Amends TCA, Title 47, Ch. 11.

Rep. Rhinehart moved that House Bill No. 2198 be reset to the Calendar for Thursday, March 19, 1992, which motion prevailed.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

REGULAR CALENDAR, CONTINUED

House Bill No. 1763 -- Motor Vehicles, Titling and Registration -- Redefines "transportor" under motor vehicle registration law to include all persons engaged in business of delivering vehicles of type required to be registered. Amends TCA, Title 55, Ch. 1, Pt. 1.

On motion, House Bill No. 1763 was made to conform with Senate Bill No. 1828.

On motion, **Senate Bill No. 1828**, on same subject, was substituted for House Bill No. 1763.

Rep. Kisber moved that **Senate Bill No. 1828** be passed on third and final consideration, which motion prevailed by the following vote:

MONDAY, MARCH 16, 1992 -- SEVENTY-FIRST LEGISLATIVE DAY

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

***House Bill No. 0602** -- Aircraft and Airports -- Establishes guidelines for operation of tour helicopters. Amends TCA, Title 42, Ch. 1.

Rep. Davis (Cocke) moved that House Bill No. 602 be passed on third and final consideration.

Rep. Robinson (Davidson) moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 602 by adding the following as a new section to precede the effective date section:

SECTION _____. The provisions of this act shall not apply to any county which has county-wide zoning. If a county adopts county-wide zoning after the effective date of this act, then the provisions of this act shall not be applicable to such county.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Davis (Cocke) moved that **House Bill No. 602**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles,

MONDAY, MARCH 16, 1992 -- SEVENTY-FIRST LEGISLATIVE DAY

Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood -- 97.

Representatives voting no were: Johnson, Mr. Speaker Naifeh -- 2.

A motion to reconsider was tabled.

House Bill No. 1876 -- Game and Fish Laws -- Establishes alternative one day nonresident permit/license fee to fish for trout in premiere tourist resort city. Amends TCA 70-2-219.

On motion, House Bill No. 1876 was made to conform with Senate Bill No. 1788.

On motion, **Senate Bill No. 1788**, on same subject, was substituted for House Bill No. 1876.

Rep. Davis (Cocke) moved that **Senate Bill No. 1788** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

MONDAY, MARCH 16, 1992 -- SEVENTY-FIRST LEGISLATIVE DAY

***House Bill No. 1898** -- Highway Signs -- "Lincoln County Veterans Memorial Bridge," U.S. Highway 431.

Rep. Phillips moved that **House Bill No. 1898** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from not voting to aye on **House Bill No. 1898** and have this statement entered in the Journal.

Rep. John Arriola

REGULAR CALENDAR, CONTINUED

House Bill No. 2100 -- Telecommunications -- Allows chief law enforcement officers to direct telephone employees to cut, reroute or divert telephone lines in emergency where person barricades himself or where hostages held. Amends TCA, Title 65, Ch. 21, Pt. 1.

On motion, **House Bill No. 2100** was made to conform with **Senate Bill No. 2222**.

On motion, **Senate Bill No. 2222**, on same subject, was substituted for **House Bill No. 2100**.

Rep. Givens moved that **Senate Bill No. 2222** be passed on third and final consideration.

Rep. Bivens moved the previous question, which motion prevailed.

MONDAY, MARCH 16, 1992 -- SEVENTY-FIRST LEGISLATIVE DAY

Thereupon, Rep. Givens moved that **Senate Bill No. 2222** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	99
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

House Bill No. 2057 -- Highways, Roads and Bridges -- Repeals provision that sole educational and/or experience qualification for chief administrative highway officer in Overton County is ten years experience in county highway construction and maintenance. Amends TCA 54-7-104.

Rep. Windle moved that House Bill No. 2057 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2057 by inserting the following new section immediately preceding the effective date section and numbering the sections accordingly:

SECTION _____. The provisions of § 54-7-104(a)(4) in effect immediately prior to the effective date of this act shall remain in effect for the purpose of permitting any incumbent official to succeed himself in office without limitation as to the number of consecutive terms.

On motion, Amendment No. 1 was adopted.

MONDAY, MARCH 16, 1992 -- SEVENTY-FIRST LEGISLATIVE DAY

Thereupon, Rep. Windle moved that **House Bill No. 2057**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

Representatives voting no were: Gunnels -- 1.

A motion to reconsider was tabled.

***House Bill No. 1888** -- Education -- Requires local school board to submit to county legislative body proposed budget and support documents breaking down categories. Amends TCA, Title 49, Ch. 2.

Rep. Buck moved that **House Bill No. 1888** be reset to the Calendar for Wednesday, March 18, 1992, which motion prevailed.

House Bill No. 2145 -- Indigents -- Requires judicial council to devise a uniform affidavit of indigency by September 1, 1992 for use by all courts appointing counsel to represent indigent defendants; makes it Class A misdemeanor to falsify affidavit. Amends TCA, Titles 8, 40.

Rep. Buck moved that **House Bill No. 2145** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U

MONDAY, MARCH 16, 1992 -- SEVENTY-FIRST LEGISLATIVE DAY

(Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 2318 -- Credit Unions -- Requires board of directors to audit income and liabilities at least annually, instead of at close of fiscal year. Amends TCA 45-4-202.

On motion, House Bill No. 2318 was made to conform with Senate Bill No. 2133.

On motion, **Senate Bill No. 2133**, on same subject, was substituted for House Bill No. 2318.

Rep. Bivens moved that **Senate Bill No. 2133** be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Amendment No. 1.

Thereupon, Rep. Bivens moved that **Senate Bill No. 2133** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

MONDAY, MARCH 16, 1992 -- SEVENTY-FIRST LEGISLATIVE DAY

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

UNFINISHED BUSINESS

BILLS WITHDRAWN

On motion of Rep. Bivens, House Bill No. 2614 was recalled from the State and Local Government Committee.

On motion of Rep. Bivens, **House Bill No. 2614** was withdrawn from the House.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 874: Rep(s). Curlee, Davis (Gibson), Garrett, Haley, Holt, Moore, Pinion, Tullos, Walley and Williams (Union) as prime sponsor(s).

House Bill No. 1422: Rep(s). Knight as prime sponsor(s).

House Bill No. 1671: Rep(s). Bell, Buck and Liles as prime sponsor(s).

House Bill No. 1888: Rep(s). Arriola as sponsor(s).

House Bill No. 1941: Rep(s). Knight as prime sponsor(s).

House Bill No. 2031: Rep(s). Davidson and Hillis as prime sponsor(s).

House Bill No. 2267: Rep(s). Walley as prime sponsor(s).

House Bill No. 2317: Rep(s). Peroulas Draper as prime sponsor(s).

House Bill No. 2318: Rep(s). Peroulas Draper as prime sponsor(s).

House Bill No. 2653: Rep(s). Knight as prime sponsor(s).

House Bill No. 2684: Rep(s). Odom as prime sponsor(s).

House Bill No. 2710: Rep(s). Kisber as prime sponsor(s).

MONDAY, MARCH 16, 1992 -- SEVENTY-FIRST LEGISLATIVE DAY

SPONSORS REMOVED

On motion, Rep. Bragg was removed as sponsor of **House Bill No. 2074.**

On motion, Rep. Bragg was removed as sponsor of **House Bill No. 2076.**

INTRODUCTION OF RESOLUTIONS

On motion, the resolution(s) listed was/were introduced and referred as noted:

House Resolution No. 0168 -- Memorials, Sports -- Cosby High School girls' basketball team. by *Davis R E.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0566 -- Memorials, Recognition and Thanks -- Brother Paul Rogers. by *Jackson.

Referred by the Speaker to the Calendar and Rules Committee.

***House Joint Resolution No. 0567** -- Highway Signs -- "Edward Nave Memorial Drive," road to Cloverbottom Development Center. by *West.

Referred by the Speaker to the Transportation Committee.

House Joint Resolution No. 0568 -- Memorials, Professional and Business Achievement -- June K. Stegall, Teacher. by *Bragg.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0569 -- Naming and Designating -- "Better Hearing and Speech Month," May 1992. by *Wood, *McAfee, *Meyer, *Robinson C B, *Copeland.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0570 -- Memorials, Death -- Charlie Hill. by *Winningham, *Phillips.

Referred by the Speaker to the Calendar and Rules Committee.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

On motion, the resolutions listed were referred as noted:

Senate Joint Resolution No. 0387 -- Memorials, Public Service -- Gamma Beta Phi Society, 1992 National Convention.

Referred by the Speaker to the Calendar and Rules Committee.

MONDAY, MARCH 16, 1992 -- SEVENTY-FIRST LEGISLATIVE DAY

Senate Joint Resolution No. 0388 -- Memorials, Personal Achievement -- Janene Marie O'Donnell, Valedictorian.

Referred by the Speaker to the Calendar and Rules Committee.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred as noted:

Senate Joint Resolution No. 0320 -- General Assembly, Adjournment, Recess -- Adjourns sine die 97th General Assembly at close of business on Friday, March 20, 1992.

Held on the Clerk's desk.

DELAYED BILLS REFERRED

Pursuant to **Rule No. 78**, having been prefiled for introduction, House Bill(s) No(s). 2806 and 2809, was/were referred to the Delayed Bills Committee.

***House Bill No. 2806** -- Highway Signs -- "Charles 'Chicken' Fite Memorial Highway," U.S. Highway 45E. by *Sipes.

***House Bill No. 2809** -- Regional Authorities -- Authorizes Wilson County regional solid waste authority to operate pursuant to resolution passed by legislative body; restricts operation to Wilson County until regions are formed; suspends flow control authority. by *Bell.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

***House Bill No. 2803** -- Sewage -- Permits Gordonsville to consider sewer rates as assessments for which a lien may attach to real property. Amends TCA, Title 7, Ch. 35, Pt. 2. by *Buck.

Passed first consideration.

House Bill No. 2804 -- Correctional Programs -- Increases maximum age of offender in special alternative incarceration program from 30 to 35. Amends TCA 40-20-203. by *Purcell, *Wix, *Rhinehart, *DeBerry, *Rinks, *Bell, *McDaniel.

Passed first consideration.

House Bill No. 2805 -- Stewart County -- Levies severance tax on all pulpwood products severed from ground. by *Collier.

MONDAY, MARCH 16, 1992 -- SEVENTY-FIRST LEGISLATIVE DAY

Passed first consideration.

House Bill No. 2807 -- Henderson County -- Revises school districts and board of education. Amends Chapter 724, Private Acts of 1931, as amended. by *McDaniel, *Sipes.

Passed first consideration.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk as noted:

***Senate Bill No. 2079** -- Railroads -- Creates Interstate Rail Passenger Network Compact. Amends TCA, Title 4. (HB 2332).

Held pending third consideration of companion House Bill.

***Senate Bill No. 2107** -- County Government -- Increases penalty for violation of county ordinances from \$50 to \$500 and up to 30 days in jail. Amends TCA 5-1-211. (HB 2126).

Held pending third consideration of companion House Bill.

***Senate Bill No. 2253** -- Tennessee Housing Development Agency -- Limits terms of board; creates audit and budget committee; requires agency money not for immediate use be invested in collateralized guaranteed investment contracts. Amends TCA, Title 13, Ch. 23. (HB 2302).

Held pending third consideration of companion House Bill.

***Senate Bill No. 2260** -- Traffic Safety -- Permits municipality with population greater than 100,000 to levy fee up to 75 cents on traffic violation convictions; allows revenues generated from fee to be used for traffic safety and educational purposes. Amends TCA, Title 55, Ch. 10, Pt. 3. (HB 2269).

Held pending third consideration of companion House Bill.

Senate Bill No. 2276 -- County Officers -- Abolishes office of constable in Humphreys County. Amends TCA, Title 8, Ch. 10. (*HB 1956).

Held pending third consideration of companion House Bill.

Senate Bill No. 2341 -- Election Laws -- Provides if county election commission photocopies nominating petition, it shall indicate in upper right hand corner of each page that document was photocopied prior to disbursing form to candidate. Amends TCA 2-5-102. (*HB 2067).

Held pending third consideration of companion House Bill.

MONDAY, MARCH 16, 1992 -- SEVENTY-FIRST LEGISLATIVE DAY

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted:

House Bill No. 2801 -- Samburg -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

**REPORT OF COMMITTEE ON CALENDAR AND RULES
CONSENT CALENDAR
March 16, 1992**

MR. SPEAKER: The officers of your Calendar and Rules Committee report that we have set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Monday, March 23, 1992**: House Resolution(s) No(s). 168; House Joint Resolution(s) No(s). 566, 568 and 570; also, Senate Joint Resolution(s) No(s). 387 and 388.

PHILLIPS, Chair.

**ENGROSSED BILLS
March 16, 1992**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 2317; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
March 16, 1992**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2252, 2311 and 2317; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
March 16, 1992**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1667 and 1869; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MONDAY, MARCH 16, 1992 -- SEVENTY-FIRST LEGISLATIVE DAY

MESSAGE FROM THE SENATE

March 16, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 380 and 394; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

March 16, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1146, 1840, 2370, 2419, 2442, 2459, 2486, 2555, 2556, 2648, 2736, 2738 and 2777; also, House Joint Resolution(s) No(s). 498, 541, 544, 546, 549, 550, 551, 553, 554, 564 and 565; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SIGNED

March 16, 1992

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 1667 and 1869; also, Senate Joint Resolution(s) No(s). 380 and 394.

ENGROSSED BILLS

March 16, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 602, 1841, 1898, 1974, 1976, 1982, 2057, 2145, 2443, 2778, 2780, 2781, 2782, 2784, 2790, 2791, 2792, 2793, 2797, 2798 and 2800; also, House Joint Resolution(s) No(s). 456, 457, 556, 557, 559, 560, 561, 562 and 563; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

March 16, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 401; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MONDAY, MARCH 16, 1992 -- SEVENTY-FIRST LEGISLATIVE DAY

Senate Joint Resolution No. 0401 -- Memorials, Death -- Jim Alexander. by *Hamilton, et al.

ROLL CALL

The roll call was taken with the following results:

Present 99

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 99.

On motion of Rep. Purcell, the House recessed until 2:00 p.m., Wednesday, March 18, 1992.